

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**


**DOCKET NO. 2022-187-C**

SXCW Properties II, LLC,  
Complainant/Petitioner,  
v.  
Comporium, Incorporated,  
Defendant/Respondent.

## NOTICE

**TO: THE ABOVE-NAMED DEFENDANT/RESPONDENT**

PLEASE TAKE NOTICE you are hereby required, pursuant to S. C. Code Ann. Regs. 103-826 and 103-830 of the Commission's Rules of Practice and Procedure, to answer the allegations contained in the Complaint filed herein, a copy of which is herewith served upon you, and further to serve a copy of your Answer to said Complaint/ Petition upon the *Public Service Commission of South Carolina, Attn: Clerk's Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210; the Complainant/Petitioner; and the Office of Regulatory Staff* and to file your Answer with certification of service with the Public Service Commission at the address below; with the Complainant/Petitioner; and with the Office of Regulatory Staff within thirty (30) days of receipt of the Complaint, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Complainant/Petitioner may apply to the Commission for the relief demanded in the Complaint.

  
Jocelyn Boyd  
Chief Clerk/Executive Director  
Public Service Commission of SC  
101 Executive Center Drive, Suite 100  
Columbia, SC 29210

06/01/2022



30851  
JmH 5/19/22

Phone: 803-896-1199  
Fax: 803-896-1199  
www.psc.sc.gov

## Individual Complaint Form

Date\*: 05/19/2022

### Complainant or Legal Representative Information:

\* Required Fields

Name \* Jeannette Lucas

Firm (if applicable) SXCW Properties II, LLC

Mailing Address \*

City, State Zip \* Matthews NC 28105

Phone \*

E-mail jlucas@samsxpress.com

Name of Utility Involved in Complaint: \* Comporium

### Type of Complaint (check appropriate box below.) \*

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> Billing Error/Adjustments  | <input type="checkbox"/> Deposits and Credit Establishment | <input type="checkbox"/> Wrong Rate    | <input type="checkbox"/> Refusal to Connect Service |
| <input type="checkbox"/> Disconnection of Service   | <input type="checkbox"/> Payment Arrangements              | <input type="checkbox"/> Water Quality | <input type="checkbox"/> Line Extension Issue       |
| <input type="checkbox"/> Service Issue  | <input type="checkbox"/> Meter Issue                       |  |   |
| <input checked="" type="checkbox"/> Other (be specific) excessive fee to relocate telco box and unnecessary relocation of lines with additional services rendered |  |  |   |

Have you contacted the Office of Regulatory Staff (ORS)? \* ☒ Yes ☐ No

Name of ORS Contact: Brad Kirby

Please provide the Section(s) of the S.C. Statute(s) or S.C. Regulation(s) allegedly violated by the Company:

103-643

### Concise Statement of Facts/Complaint: \* (This section must be completed. Attach additional information to this page if necessary.)

My company is developing a Parcel on Cherry Rd and Grier McGuire Rd in Rock Hill, SC.

Comporium is required by Rock Hill to move a telco box at the corner of the parcel to allow for the relocation of a mast arm pole that is also required by Rock Hill in order to convert the road to a public road.

Comporium is using the opportunity to move and add services along the entire road frontage in the DOT right of way at our cost. We don't believe the extent of this work is necessary to provide service to any of our parcels or in conjunction with moving the box back from the corner a few feet.

I will attach some backup for those charges in this email.

### Relief Requested: \* (This section must be completed. Attach additional information to this page if necessary.)

We were asked to pay \$68,000 to cover the work done by the service provider, of which we do not have service. We are asking that we are not held responsible for their choice to put additional services and move a line along the entire road front when a much more lean scope of work could accomplish the same goal.

I UNDERSTAND AND AGREE THAT THE INFORMATION GIVEN ON THIS FORM IS PUBLIC INFORMATION THAT WILL BE PUBLISHED ON THE COMMISSION'S WEBSITE (dms.psc.gov), AND I UNDERSTAND SUCH INFORMATION MAY BE SUBJECT TO PUBLIC SCRUTINY OR FURTHER RELEASE.

Complainant's Signature\* (MUST BE SIGNED, DO NOT PRINT)

*Jeannette Lucas*

VERIFICATION

STATE OF SOUTH CAROLINA  
COUNTY OF York

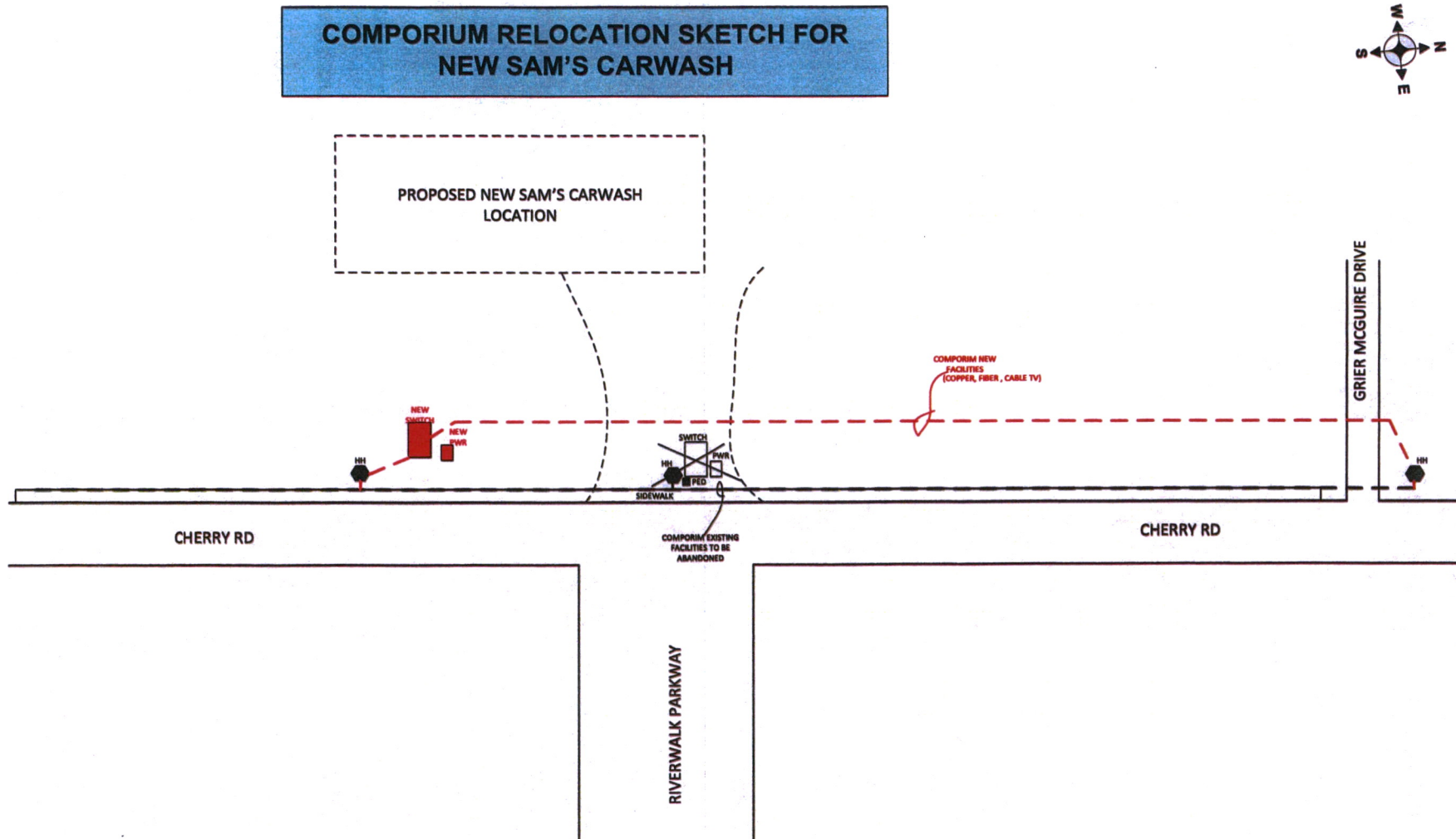
I, Jeannette Lucas verify that I have read my complaint filed on 6/19/22  
Complainant's Name \* Date \*

and know the contents thereof, and that said contents are true.

[Signature]  
Complainant's Signature \* (MUST BE SIGNED, DO NOT PRINT)

Internal Use Only

Processed By	Date
H.E.	



**From:** Mark Whitfield  
**To:** Jeannette Lucas; Matthew Parker  
**Cc:** Bruce Hinshaw; Brenton Kendrick; John Romanski; Bill Vibbert; Sammie McClurkin  
**Subject:** RE: [EXTERNAL] SXCW Rock Hill Fiber Line Relocation  
**Date:** Monday, April 18, 2022 5:09:40 PM  
**Attachments:** Image001.png

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Ms Lucas:

Comporium is not able to itemize the associated material and labor cost as that information contains proprietary cost information. I can provide an overall insight to the material required and the overall labor cost.

The scope of work includes the placement of 2-4" conduits, 550' of 288 count fiber optic cable, 550' of 200-pair copper cable, P3-750 coax cable, P3-625 coax cable, a Cable TV Optical Node, and a power supply (used to power the coax network). There are some minor supporting items (splice closures, pedestal, etc). These material total: \$36,529. The associated labor to place, and cutover from the facilities in conflict to the new material is: \$31,583.

Comporium facilities were placed in 2009 on the SCDOT easement during the road widening project. Our facilities are not on the property purchased by Sam's Xpress. As such, it is Sam's Xpress responsibility to ensure work being performed does not conflict with the existing infrastructure.

Comporium has received payment from Sam's Xpress, and has prepared projects to relocate the facilities in conflict. Those project are being reviewed, and will be routed to our construction department this week. I expect material will take a couple of weeks to acquire. Thus, construction would start within the next three weeks, and will take about a week to complete.

Thanks.

**Mark Whitfield, PE, RCDD | Comporium**

Engineering & Planning | Director - Plant Facilities Engineering

p. 803.326.6268 | m. 803.322.5833

[www.comporium.com](http://www.comporium.com)

[mark.whitfield@comporium.com](mailto:mark.whitfield@comporium.com)

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**From:** Jeannette Lucas <jlucas@samsxpress.com>  
**Sent:** Monday, April 11, 2022 8:30 AM  
**To:** Mark Whitfield <Mark.Whitfield@comporium.com>; Matthew Parker <mparker@samsxpress.com>  
**Cc:** Bruce Hinshaw <bruce.hinshaw@doerreconstruction.com>; Brenton Kendrick <Brenton.Kendrick@comporium.com>; John Romanski <John.Romanski@comporium.com>; Bill Vibbert <bill@doerreconstruction.com>  
**Subject:** RE: [EXTERNAL] SXCW Rock Hill Fiber Line Relocation

Good morning,

Could we have an explanation of materials and labor for your scope of work on this relocation please? This is an unexpected cost to our project budget and we have been asked to justify this to our management team and how it relates to being the responsibility of Sam's Xpress.

Thank you,

**Genie Lucas**

Pre-Construction Manager

EMailSignature



Direct Line: 704-981-9034

7935 Council Place

Matthews, NC 28105

[www.samsxpress.com](http://www.samsxpress.com)

**From:** Mark Whitfield <Mark.Whitfield@comporium.com>  
**Sent:** Thursday, January 13, 2022 3:45 PM  
**To:** Jeannette Lucas <jlucas@samsxpress.com>  
**Cc:** Bruce Hinshaw <bruce.hinshaw@doerreconstruction.com>; Brenton Kendrick <Brenton.Kendrick@comporium.com>; John Romanski <John.Romanski@comporium.com>; Sammie McClurkin <Sammie.McClurkin@comporium.com>; Bill Vibbert <bill@doerreconstruction.com>  
**Subject:** RE: [EXTERNAL] SXCW Rock Hill Fiber Line Relocation

Ms Lucas:

Comporium did not obtain an encroachment permit from the City (as we are not on the City's easement).

These facilities were placed during the road widening project in 2009. At that time, the City was unable to obtain an easement from the property owner (Perry McGuire). As such, Comporium opted to place our facilities on the SCDOT Right-of-Way. The SCDOT ROW in this section appears to be 120' (or 60' each side of the center-line). Our facilities appear to be 45'-48' from the center-line of the road. The cables have been marked in the field for confirmation.

Thank you.

**Mark Whitfield, PE, RCDD | Comporium**

Engineering & Planning | Director - Plant Facilities Engineering

p. [803.326.6268](tel:803.326.6268) | m. [803.322.5833](tel:803.322.5833)

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**From:** Jeannette Lucas <[jlucas@samsxpress.com](mailto:jlucas@samsxpress.com)>

**Sent:** Thursday, January 13, 2022 9:26 AM

**To:** Sammie McClurkin <[Sammie.McClurkin@comporium.com](mailto:Sammie.McClurkin@comporium.com)>; Bill Vibbert <[bill@doerreconstruction.com](mailto:bill@doerreconstruction.com)>

**Cc:** Bruce Hinshaw <[bruce.hinshaw@doerreconstruction.com](mailto:bruce.hinshaw@doerreconstruction.com)>; Brenton Kendrick <[Brenton.Kendrick@comporium.com](mailto:Brenton.Kendrick@comporium.com)>; Mark Whitfield <[Mark.Whitfield@comporium.com](mailto:Mark.Whitfield@comporium.com)>; John Romanski <[John.Romanski@comporium.com](mailto:John.Romanski@comporium.com)>

**Subject:** RE: [EXTERNAL] SXCW Rock Hill Fiber Line Relocation

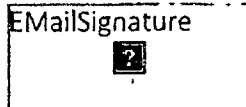
Good morning

Could we be provided with the City Encroachment Permit that was obtained for the installation?

Thank you,

**Genie Lucas**

Pre-Construction Manager



Direct Line: 704-981-9034  
7935 Council Place  
Matthews, NC 28105  
[www.samsxpress.com](http://www.samsxpress.com)

**From:** Sammie McClurkin <[Sammie.McClurkin@comporium.com](mailto:Sammie.McClurkin@comporium.com)>  
**Sent:** Thursday, January 6, 2022 2:31 PM  
**To:** Bill Vibbert <[bill@doerreconstruction.com](mailto:bill@doerreconstruction.com)>  
**Cc:** Bruce Hinshaw <[bruce.hinshaw@doerreconstruction.com](mailto:bruce.hinshaw@doerreconstruction.com)>; Brenton Kendrick <[Brenton.Kendrick@comporium.com](mailto:Brenton.Kendrick@comporium.com)>; Mark Whitfield <[Mark.Whitfield@comporium.com](mailto:Mark.Whitfield@comporium.com)>; John Romanski <[John.Romanski@comporium.com](mailto:John.Romanski@comporium.com)>  
**Subject:** RE: [EXTERNAL] SXCW Rock Hill Fiber Line Relocation

Good afternoon Mr Vibbert

The Relocation cost to relocate Comporium facilities along Cherry Rd at the Riverwalk Parkway intersection:

1. Cable TV cost.....	Material & labor.....	\$31,149.00
2. Fiber and copper relocation Cost.....	Material & Labor.....	\$36,963.00
<b>Total Cost.....</b>		<b>\$68,112.00</b>

Thanks for your cooperation, any questions feel free to contact me  
Sam

**Sam McClurkin, Engineering Associate II / Comporium**  
Engineering / Plant Facilities  
Rock Hill South Carolina  
P. 803-326-6214 / m. 803-280-1512  
[www.comporium.com](http://www.comporium.com)  
[sammie.mcclurkin@comporium.com](mailto:sammie.mcclurkin@comporium.com)

**From:** Bill Vibbert <[bill@doerreconstruction.com](mailto:bill@doerreconstruction.com)>  
**Sent:** Tuesday, January 4, 2022 4:54 PM  
**To:** Sammie McClurkin <[Sammie.McClurkin@comporium.com](mailto:Sammie.McClurkin@comporium.com)>  
**Cc:** Bruce Hinshaw <[bruce.hinshaw@doerreconstruction.com](mailto:bruce.hinshaw@doerreconstruction.com)>  
**Subject:** [EXTERNAL] SXCW Rock Hill Fiber Line Relocation

Sam,



Hope you had a great holiday break? This is Bill with Doerre Construction. We met at the Sam's Xpress Car Wash project on Cherry Rd back before Christmas. You mentioned we would have the pricing for the fiber relocation from you by the following week. I wanted to follow up with you on this. Have you had a chance to get this together? If so can you please forward to me? If not, please let us know if there is anything we can do to help move this along. Thank you for your attention to this.

Thank you,

**BILL VIBBERT**

*Project Manager*



M - 704.309-0375 | D - 980.335.1473

[doerreconstruction.com](http://doerreconstruction.com)

[map](#) | [email](#) |

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PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**DOCKET NO. 2022-187-C**

SXCW Properties II, LLC,

Complainant/Petitioner,

V.

Comporium, Incorporated,

Defendant/Respondent.

## CERTIFICATE OF SERVICE

I, Elise Wilson, do hereby certify I have, on the date indicated below, served the following named entities/individual(s) with one (1) copy each of the documents listed respectively as follows below:

- a) **Complaint and 30-Day Notice** via Registered U.S. Certified Mail Restricted Delivery, with sufficient postage attached and return address clearly marked to:

CORPORATION SERVICE COMPANY  
508 MEETING STREET  
WEST COLUMBIA, SC 29169

- b) **Complaint, 30-Day Notice, and Notice of Hearing and Prefile Testimony Letter** via Electronic Service via the PSC Docket Management System and via E-Mail to:

**COMPORIUM, INCORPORATED**  
Margaret Fox, Esquire at [pfox@mcnair.net](mailto:pfox@mcnair.net)

- c) **30-Day Notice, Notice of Hearing and Prefile Letter** by Electronic Service via the PSC Docket Management System to:

**SXCW Properties II, LLC**  
**Jeannette Lucas at jlucas@samsxpress.com**

Clerk's Office  
Public Service Commission of South Carolina

By:

Elise Wilson

Columbia, South Carolina  
June 1, 2022